

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Phillip Smith,

Defendant.

No. 13-30270-DRH

ORDER

HERNDON, Chief Judge:

This matter was referred to United States Magistrate Judge Donald G. Wilkerson for the specific purpose of conducting a change of plea for defendant pursuant to 28 U.S.C. § 636 and LOCAL RULE 72.1(b)(2) (Doc. 32). Pursuant to FEDERAL RULE OF CRIMINAL PROCEDURE 11, the change of plea hearing was held on May 7, 2014 (Doc. 31). During the change of plea, defendant pled guilty to counts 1, 2 and 3 of the indictment following a thorough colloquy with Judge Wilkerson. Thereafter, Judge Wilkerson issued a Report and Recommendation (“the Report”) recommending that the Court accept defendant’s plea of guilty (Doc. 35).

In accordance with 28 U.S.C. § 636(b)(1)(B), the parties were allowed fourteen days to file written objections. As of this date, neither party has filed an objection. Therefore, the Court **ADOPTS** the Report in its entirety. Thus, based on the record in the case, the recommendation of the Magistrate Judge, the consent of the defendant to plead before the

magistrate without subsequent objection, it is the finding of the Court in the case of *United States v. Smith*, that defendant was fully competent and capable of entering an informed plea, that defendant was aware of the nature of the charges and the consequences of the plea, and that the plea of guilty was a knowing and voluntary plea supported by an independent basis in fact containing each of the essential elements of the offense. Accordingly, the Court **ACCEPTS** the guilty plea and **ADJUDGES** Smith **GUILTY** on counts 1, 2 and 3 of the indictment. The Court **REMINDS** the parties that this matter for sentencing on August 26, 2014 at 9:00 a.m.

IT IS SO ORDERED.

Signed this 30th day of May, 2014.

David R. Herndon

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by David R.
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Chief Judge
United States District Court